

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 681 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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NARANBHAI JETHABHAI PATEL

Versus

RAVJIBHAI AMBALAL PATEL  
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Appearance:

MR AJ PATEL for Petitioner  
(MR GR UDHWANI) for Respondent No. 1  
SERVED for Respondent No. 2, 3  
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CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 23/06/97

ORAL JUDGEMENT

1. This CRA is filed under section 115 of C.P.Code  
challenging the concurrent judgments of two courts below  
being judgment and order of the IInd Extra Asst.Judge,  
Ahmedabad(Rural) Mirzapur in Misc.Civil Appeal No.42/90  
confirming the judgment and order of 2nd Jt.Civil Judge

(SD) Gandhinagar dated 8.3.90 whereby the trial court appointed the present respondent--Ravjibhai Ambalal Patel, the plaintiff in the suit as receiver of the suit property, to look after the suit property, to manage, to protect, to preserve, to improve the suit property and to take standing crop, to cultivate the land and to receive all profits relating to suit property and to submit the accounts to the court. The suit was ordered to be expedited. It may be noted that the suit is of the year 1990. It is because of said judgment and the order of the trial court passed below Exh.5 the court commissioner was appointed with full directions as stated hereinabove and against said order the defendant-Naranbhai Jethabhai Patel preferred Misc.Civil Appeal No.42/90 and in such an appeal also the findings of the trial court are confirmed. It appears that the question of petitioner-defendant being the tenant of the suit land was raised before the two courts below. It was found that that actually Ravjibhai Ambalal Patel and Chinubhai Ambalal Patel-plaintiff of the suit were in possession of the land in question as on the date of the suit and therefore the trial court as well as lower appellate court have appointed the plaintiff as the receiver. Trial of the suit is also expedited, and perhaps, it must have been over by this time. In that view of the matter, when the concurrent order passed by two courts below and no jurisdictional error is pointed to this court calling for interference of this court, this CRA is required to be dismissed and is dismissed. Rule is discharged. Interim relief stands vacated. No costs.

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